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SENATE CALIFORNIA LEGISLATURE

SENATOR
PATRICK JOHNSTON

FIFTH SENATORIAL DISTRICT
SERVING SACRAMENTO AND SAN JOAQUIN COUNTIES

4/93 mts

COMMITTEES:
APPROPRIATIONS
BANKING & COMMERCE
EDUCATION
INDUSTRIAL RELATIONS,
CHAIR
INSURANCE, CLAIMS
& CORPORATIONS
NATURAL RESOURCES
& WILDLIFE
PUBLIC EMPLOYMENT &
RETIREMENT
TRANSPORTATION

APRIL 29, 1993

TO: MEMBERS OF THE COMMISSION

FROM: INTERIM EXECUTIVE DIRECTOR

RE: REPORT

1. COMMUNICATIONS RECEIVED

Approximately three weeks ago I received a phone call that indicated a project was being proposed for Decker Island that might be within the jurisdiction of the Commission.

Upon investigation I learned that a company by the name of MegaSand has applied to the County of Solano for a Use Permit to locate on 473 acres of Decker Island a commercial sand and gravel operation.

The proposed project would harvest sand by suction dredges and deposit this material on Decker Island where it would be de-watered, screened and graded for commercial use in connection with road base and repair material construction.

The County of Solano Planning Department has issued a Negative Declaration, deeming an EIR unnecessary in this case.

I have informed the Planning Department of Solano County that this proposed project is located within the Primary Zone of the Delta and that it is within the legal definitions and standards of SB 1866.

The Commission should be aware of this proposed project and that it may be called upon at some point in the future to hear an appeal as to a decision by local government in the event the project is approved.

Numerous parties have communicated their opposition to this project and have advised the County of Solano that the project comes within the jurisdiction of the Delta Protection Commission.

2. ACTION BY THE DISTRICT ATTORNEY, SAN JOAQUIN COUNTY

The District Attorney of San Joaquin County has advised the Governor that a recent court order against the Santa Fe Railway will be modified to the extent that the fine will be reduced and the proceeds redirected. An unintended beneficiary may be the Delta Protection Commission.

Last year a compromise settlement was arrived at between the County of San Joaquin and the Santa Fe over a criminal charge filed by the District Attorney for pollution activities by the Santa Fe and its subordinates. Specifically, the Santa Fe was alleged to have dumped hundreds of creosote pilings and other noxious materials into the Delta from an old trestle. The agreed upon settlement was a \$600,000 fine. The Department of Fish and Game had cooperated in the prosecution.

The District Attorney has now indicated that a project by Cal Trans to Ryer Island has resulted in Fish and Game agreeing to Cal Trans use of creosote timbers in Delta waterways; that such action is inconsistent with the Department of Fish and Game in the Santa Fe case. Accordingly, the District Attorney has publicly announced, and written the Governor, that he intends to modify the prior judgment against Santa Fe. The modification would be reducing the judgment to \$300,000 and of that sum the amount of \$50,000 would go to the Delta Protection Commission for its work and purposes.

3. ENVIRONMENTAL LICENSE PLATE FUND

The Commission, at its March meeting, indicated its desire to pursue legislation that would create a special license plate for the Delta in order to have an alternative funding source.

Legislation that is presently pending (a Senator Leslie bill for the Tahoe Conservancy) can not be amended to include the Delta.

Senator Johnston has expressed his willingness to carry legislation, in the next legislative session, for environmental license plate funding if the Commission and the state agencies that sit on the Commission are in support of such legislation.